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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:19-CR-032-RFB-VCF
)	
Plaintiff,)	Preliminary Order of Forfeiture
)	
v.)	
)	
PATTI KERN,)	
)	
Defendant.)	

This Court finds that defendant Patti Kern pled guilty to Count One of a One-Count Criminal Information charging her with conspiracy to commit mail fraud in violation of 18 U.S.C. §§ 1341 and 1349. Criminal Information, ECF No. __; Plea Agreement, ECF No. __; Change of Plea, ECF No. __.

This Court finds defendant Patti Kern agreed to the forfeiture of the property and the imposition of the in personam criminal forfeiture money judgment set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal Information, ECF No. __; Plea Agreement, ECF No. __; Change of Plea, ECF No. __.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information and the offense to which defendant Patti Kern pled guilty.

The following property and money judgment are any property, real or personal, which constitutes or is derived from proceeds traceable to violations of 18 U.S.C. § 1341, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or 18

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1 U.S.C. § 1349, conspiracy to commit such offense, and are subject to forfeiture pursuant to
2 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c) and 21 U.S.C. § 853(p):

- 3 1. \$106,150;
- 4 2. \$20,400.32;
- 5 3. \$34,364;
- 6 4. \$40,010;
- 7 5. \$50,126.59;
- 8 6. \$4,998;
- 9 7. \$10,908;
- 10 8. \$15,278;
- 11 9. \$6,975;
- 12 10. \$4,644;
- 13 11. \$3,101;
- 14 12. \$1,824;
- 15 13. \$13,146
- 16 14. \$1,785;
- 17 15. \$14,439;
- 18 16. \$9,887;
- 19 17. \$8,253;
- 20 18. \$138;
- 21 19. \$12,464.03; and
- 22 20. \$18,950

23 (all of which constitutes property)

24 and an in personam criminal forfeiture money judgment of \$800,000, not to be held
25 jointly and severally liable with her codefendants, the collected money judgment amount
26 between the codefendants is not to exceed \$9,000,000, and that the following property will
27 be applied toward the payment of the money judgment:

- 28 a. \$106,150;

- b. \$20,400.32;
- c. \$34,364;
- d. \$40,010;
- e. \$50,126.59;
- f. \$4,998

This Court finds defendant Patti Kern agreed to the substitution and forfeiture the following specific assets as set forth in the Plea Agreement pursuant to Fed. R. Crim. P. 32.2(e) and 21 U.S.C. § 853(p):

- i. a 2015 Ford F250 truck held in the name of Patti Kern, VIN 1FT7W2BT5FED16800;
- ii. a 2004 Sundowner LQ Horse Trailer held in the name of Patti Kern, VIN 13SLE322141LA4098; and
- iii. In addition to the dollar amounts in a-f, i, and ii above, that Patti Kern agrees to apply to the in personam criminal forfeiture money judgment of \$800,000, Patti Kern also agrees to pay an additional \$400,000 toward the in personam criminal forfeiture money judgment of \$800,000 within 60 days of sentencing (the "Due Date"). Patti Kern's payment of the additional \$400,000 towards the in personam criminal forfeiture money judgment of \$800,000 shall be a bank cashier's check, payable to the order of the United States Postal Inspection Service. The defendant shall send the bank cashier's check by priority mail to the US Postal Inspection Service, Attention Clayton E. Gerber, PO Box 7404, Washington, DC 20044-7404, with the criminal docket number noted on the face of it. The defendant will contact Timothy Finley or Daniel Zytneck with the mail tracking information. If the defendant fails to make the \$400,000 payment on or before the Due Date, the defendant consents to the forfeiture of the real property located at 1861 Bogey Way, Henderson, Nevada 89074, more particularly described as:

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1 Lot Thirteen (13) in Block Three (3) of HEATHERSTONE, as shown by map
2 thereof on file in Book 53 of Plats, Page 40, in the Office of the County
3 Recorder of Clark County, Nevada together with all improvements and
4 appurtenances thereon, APN: 178-17-812-049

(all of which is included as property).

5 This Court finds that Patti Kern understands these above-mentioned payments will
6 not release Patti Kern of her obligations to pay the in personam criminal forfeiture money
7 judgment of \$800,000, until the in personam criminal forfeiture money judgment of
8 \$800,000 is paid in full.

9 This Court finds that the United States of America may amend this order at any time
10 to add subsequently located property or substitute property to the forfeiture order pursuant
11 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

12 The in personam criminal forfeiture money judgment complies with *Honeycutt v.*
13 *United States*, ___ U.S. ___, 137 S. Ct. 1626 (2017).

14 This Court finds the United States of America is now entitled to, and should, reduce
15 the aforementioned property to the possession of the United States of America.

16 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
17 DECREED that the United States of America should seize the aforementioned property.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United
19 States recover from Patti Kern an in personam criminal forfeiture money judgment of
20 \$800,000.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
22 rights, ownership rights, and all rights, titles, and interests of Patti Kern in the
23 aforementioned property are forfeited and are vested in the United States of America and
24 shall be safely held by the United States of America until further order of the Court.

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
26 of America shall publish for at least thirty (30) consecutive days on the official internet
27 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
28 describe the forfeited property, state the time under the applicable statute when a petition

1 contesting the forfeiture must be filed, and state the name and contact information for the
2 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
3 and 21 U.S.C. § 853(n)(2).

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
5 or entity who claims an interest in the aforementioned property must file a petition for a
6 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
7 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
8 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
9 right, title, or interest in the forfeited property and any additional facts supporting the
10 petitioner's petition and the relief sought.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
12 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
13 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
14 not sent, no later than sixty (60) days after the first day of the publication on the official
15 internet government forfeiture site, www.forfeiture.gov..

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
17 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
18 Attorney's Office at the following address at the time of filing:

19 Daniel D. Hollingsworth
20 Assistant United States Attorney
21 501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
23 described herein need not be published in the event a Declaration of Forfeiture is issued by
24 the appropriate agency following publication of notice of seizure and intent to
25 administratively forfeit the above-described property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record and three certified copies to the United States
3 Attorney's Office, Attention Asset Forfeiture Unit.

4 DATED March 14, 2019.

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7 HONORABLE RICHARD F. BOULWARE, II
8 UNITED STATES DISTRICT JUDGE
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